

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Application Regarding the Acquisition of  
Progress Energy, Incorporated by Duke  
Energy Corporation and Merger of  
Progress Energy Carolinas, Incorporated  
and Duke Energy Carolinas, LLC

Docket No. 2011-158-E

**MOTION TO WITHDRAW FROM  
REPRESENTATION**

Pursuant to South Carolina Public Service Commission Rule 103-805.F, and South Carolina's Rules of Professional Conduct 1.16, the undersigned, Pablo Nüesch, hereby moves to request permission to withdraw from representation of the City of Orangeburg, South Carolina ("Orangeburg") in the above-caption docket. In support of this Motion, Pablo Nüesch states as follows:

1. Orangeburg has been represented in this proceeding by Pablo Nüesch, James Horwood, and Peter Hopkins of the firm Spiegel & McDiarmid LLP in Washington, D.C. Mr. Nüesch is a member of the South Carolina Bar and has served as Orangeburg's local counsel of record in this proceeding pursuant to Commission Rule 103-804(T)(1)(B) and Court of Appeals Rule 404. Mr. Horwood and Mr. Hopkins were admitted to appear before this Commission *pro hac vice*. Order No. 2011-398 (May 25, 2011).

2. Most recently, on January 23, 2020, James Walsh, an attorney for Orangeburg's Department of Public Utilities, filed a Notice of Appearance for

Orangeburg in this proceeding. Mr. Walsh is a member of the South Carolina Bar in good standing.

3. Mr. Nüesch seeks permission to withdraw as counsel due to an upcoming change in employment. Before filing this motion, Mr. Nüesch's gave notice to Orangeburg about his need to withdraw from representation, South Carolina Rules of Professional Conduct 1.16(d), Orangeburg consented, and the withdraw "can be accomplished without material adverse effect on the interests of" Orangeburg. *Id.* 1.16(b)(1).

4. Orangeburg remains represented in this proceeding by Messrs. Walsh, Horwood, and Hopkins. Mr. Walsh has agreed to serve as local counsel of record associated with Messrs. Horwood and Hopkins pursuant to Commission Rule 103-804(T)(1)(B) and Court of Appeals Rule 404.

5. Orangeburg informally polled via e-mail the other attorneys of record in this proceeding about Mr. Nüesch's need to withdraw as counsel to Orangeburg, and no party has expressed objection to the request as of this filing.

WHEREFORE, Mr. Nüesch respectfully request that the Commission enter an Order allowing his withdraw as counsel on behalf of Orangeburg in the above-captioned docket.

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Respectfully submitted,

/s/ Pablo O. Nüesch

Pablo O. Nüesch (S.C. Bar  
No. 13575)  
Spiegel & McDiarmid LLP  
1875 Eye Street, NW  
Washington, DC 20006

Attorney for the  
Department of Public Utilities of the  
City of Orangeburg, South Carolina

February 14, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document to be served on the parties listed below by first-class mail, postage prepaid, electronic mail or facsimile:

Frank R. Ellerbee, III  
Robinson, McFadden & Moore, P.C.  
Post Office Box 11449  
Columbia, SC 29202-0944  
*fellerbe@robinsongray.com*

Kodwo Gharthey-Tagoe  
Duke Energy Carolinas, LLC  
Post Office Box 1006/EC03T  
Charlotte, NC 28201-1006  
*kghartey-tagoe@duke-energy.com*

Robert R. Smith, II  
Moore & Van Allen, PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202  
*robsmith@mvalaw.com*

Scott Elliott  
Elliott & Elliott, P.A.  
1508 Lady Street  
Columbia, SC 29201  
*selliott@elliottlaw.us*

Garrett A. Stone  
Michael K. Lavanga  
Stone Mattheis Xenopoulos & Brew, PC  
1025 Thomas Jefferson St., NW  
Eighth Floor, West Tower  
Washington, DC 20007  
*gas@smxblaw.com*  
*mkl@smxblaw.com*

- 5 -

John H. Tiencken, Jr.  
Paul J. Conway  
Tiencken Law Firm, LLC  
234 Seven Farms Drive, Suite 114  
Charleston, SC 29492  
*jtiencken@tienckenlaw.com*  
*pconway@tienckenconway.com*

Douglas Jennings, Jr.  
Douglas Jennings Law Firm, LLC  
Post Office Box 995  
Bennettsville, SC 29512  
*doug@jenningslawoffice.com*

Michael N. Couick  
Christopher R. Koon  
The Electric Cooperatives of South Carolina, Incorporated  
808 Knox Abbott Drive  
Cayce, SC 29033  
*mike.couick@ecsc.org*  
*chris.koon@ecsc.org*

D. Peters Wilborn, Jr.  
Derfner, Altman & Wilborn  
Post Office Box 600  
Charleston, SC 29402  
*pwilborn@dawlegal.com*

Jonathan D. Newman  
Sherman, Dunn, Cohen, Leifer, & Yellig, P.C.  
900 Seventh Street, NW, Suite 1000  
Washington, DC 20001  
*newman@shermaddunn.com*

K. Chad Burgess  
Matthew W. Gissendanner  
Dominion Energy South Carolina, Incorporated  
220 Operation Way- MC C222  
Cayce, SC 29033-3701  
*Kenneth.burgess@dominionenergy.com*  
*matthew.gissendanner@dominionenergy.com*

- 6 -

J. Blanding Holman, IV  
Southern Environmental Law Center  
525 East Bay Street  
Charleston, SC 29403  
*Bholman@selcsc.org*

Jill Mara Tauber  
Southern Environmental Law Center  
122 C Street, NW, Suite 390  
Washington, DC 20001  
*jtauber@selcdc.org*

Gudrun Elise Thompson  
Southern Environmental Law Center  
601 W. Rosemary Street, Suite 220  
Chapel Hill, NC 27516  
*gthompson@selcnc.org*

Becky Dover  
SC Department of Consumer Affairs  
*bdover@scconsumer.gov*

Carri Grube Lybarker  
SC Department of Consumer Affairs  
*clybarker@scconsumer.gov*

Charles L.A. Terreni  
Terreni Law Firm, LLC  
1508 Lady Street  
Columbia, SC 29201  
*charles.terreni@terrenilaw.com*

Heather Shirley Smith  
Duke Energy Carolinas, LLC  
40 W. Broad Street, Suite 690  
Greensville, SC 29601  
*heather.smith@duke-energy.com*

James F. Walsh Jr.  
City of Orangeburg  
1436 Amelia Street  
Orangeburg, SC 29116  
*jfwwalsh@bellsouth.net*

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Jeffrey M. Nelson  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
*jnelson@ors.sc.gov*

Kendel C. Bowman  
Progress Energy Service Company, LLC  
410 South Wilmington Street  
Raleigh, NC 27602  
*kendal.bowman@pgnmail.com*

Rebecca J. Dulin  
Duke Energy Carolinas, LLC  
1201 Main Street, Suite 1180  
Columbia, SC 29201  
*Rebecca.Dulin@duke-energy.com*

Timika Shafeek-Horton  
Duke Energy Progress, LLC  
Post Office Box 1321- DEC45A  
Charlotte, NC 28201  
*timika.shafeek-horton@duke-energy.com*

Dated this 14th day of February, 2020, at Washington, DC.

/s/ Pablo O. Nüesch

Pablo O. Nüesch  
Attorney